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International Court of Justice

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INTERNATIONAL MILITARY TRIBUNAL

TRIAL BRIEF AGAINST THE DEFENDANT WILHELM FRICK

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3077-PS: Decree of 1 September 1939 (RGBl, 1939, P. I, p. 1547): Par. 5: Danzig..... 4, 22

3078-PS: Decree of 8 October 1939 (RGBl, 1939, P. I, p. 2042): Par. 12, Eastern incorporated territories..... 4, 23

3079-PS: Decree of 12 October 1939 (RGBl, 1939, P. I, p. 2077) Par. 8 (1): Government General..... 4, 23

3080-PS: Decree of 23 May 1940 (RGBl, 1940, P. I, p. 803): Par. 5 (1): Eupen, Malmedy, and Moresnet..... 4, 23, 24

3081-PS: Decree of 14 October 1941 (RGBl, 1941, P. I, p. 648): Upper Carinthia and Lower Styria..... 24

3082-PS: Decree of 12 December 1941 (RGBl, 1941, P. I, p. 765): Norway..... 4, 23

3083-PS: Decree of 20 January 1942 (RGBl, 1942, P. I, p. 40): incorporated eastern territories..... 24

3084-PS: Decree of 30 June 1942 (RGBl, 1942, P. I, p. 419)..... 27

3181-PS: Ordnance under the Law for the Protection of German Blood and Honor of 14 November 1935 (RGBl 1935, P. I, p. 1334)..... 15

3241-PS: Ordnance of 25 November 1941 (RGBl, 1941, P. I, p. 722)..... 17

3304-PS: Frick's Order of 2 November 1939 (RGBl, 1939, P. I, p. 2133) Par. 2 (1)..... 23

3321-PS: Decree of 20 April 1939 (RGBl, 1939, P. I, p. 815): Bohemia and Moravia..... 23

3354-PS: Decree of 31 May 1941 (RGBl, 1941, P. I, p. 297) introducing Nuernberg Laws in annexed eastern territories..... 15

3384-PS: Decree of 30 April 1940 (RGBl, 1940, P. I, p. 707) extending Military Service Law to incorporated eastern territories..... 19

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4. Official Government Regulations and Orders

D-43: Official Circular dated 26 May 1936, referring to Frick's order.....11

D-44: Circular dated 25 July 1933 referring to an order of Frick prohibiting public mention of SA activities likely to be construed as violations of Versailles Treaty 20

D-181: Circular referring to Frick Ordnance of 22 August 1936 regulating application of Law of 14 July 1933 to Party members 17

374-PS: Series of secret teletype orders by Heydrich 16

388-PS: Hitler Order of 10 September 1938 placing Labor Service under OKW ("Fall Gruen" Item 20, p. 44.) (U.S.A. 26) 19

647-PS: Hitler Order, dated 17 August 1938 regulating the functions of the SS which "have entered into close connection with the duties of the German Police "in the Ministry of Interior 12

779-PS: Directive by Frick, regulating "protective custody", dated 12 April 1934. 12

1482-PS: Secret Circular of Frick, addressed inter alios to Prussian Gestapo subjecting Catholic Youth Organizations to severe restrictions 12,14

1498-PS: Order of Frick, dated 6 November 1934, addressed inter alios to Prussian Gestapo prohibiting the publication of Protestant Church announcements. 12, 14

1551-PS: Order of Himmler, dated 26 June 1936, Reichsministerial blatt (Ministry of Interior Gazette) 1936 pp. 946-948.. authorizing Security Police Chief Heydrich and Regular Police Chief Daluege to sign "by order of the Minister of the Interior"..... 11

1637-PS: Himmler's Order of 23 June 1938, providing that police officers may be employed by the SS while retaining their police function.... 12

1638-PS: Ministry of Interior Decree, dated 11 November 1938. Reichsministerialblatt (Ministry of Interior Gazette) 1938 p. 1906) providing for cooperation of all authorities with SD and RSHA 11

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1723-PS: Frick's Decree of 25 January 1938 regulating protective custody in: "Verfuegungen, Anordnungen, Bekanntmachungen" (Central Publishing House of the N.S.D.A.P., Munich, 1937) Vol. 11, pp. 430-433..... 12

2245-PS: Frick Decree of 20 September 1936 (Reichsministerialblatt) (Ministry of Interior Gazette) 1936 pp. 1343 - 1344) reserving to himself authority to appoint inspectors of Security Police and ordering their close co-operation with Party and Army....11

3051-PS: Series of Heydrich Orders re: Organization of pogrom.....16

3085-PS: Himmler Ordnance of 3 July 1943, charging Gestapo with execution of thirteenth Ordnance under Reich Citizen Law (Ministry of Interior Gazette, 1943, p. 1085) ... 17, 27

5. Party Orders and Directives None

6. Interrogations of Defendants None

7. Military Orders None

8. Photographs, Moving Pictures, Charts and Other Visual Aids

1852-PS: Dr. Werner Best: "Die Deutsche Polizei" (The German Police) (1941) chart facing page 110, showing that the RSHA is under the jurisdiction of the Minister of Interior 12

9. Publications

L-302: Dr. Werner Spohr: "The Law of Protective Custody " (Berlin 1937) p. 11-13, discussing Frick's Ordnance of 12 April 1934 issued under Law of 28 February 1933 (RGBL 1933 p. 852) 13

1680-PS: "10 Years Security Police and SD"(in "Die Deutsche Polizei" - 1 Feb. 1943 (Official Police Magazine)) 12

2380-PS: "N.S. Jahrbuch (N.S. Yearbook) (1935) pp 212-214 10

2381-PS: Der Grossdeutsche Reichstag(1943) (The Greater German Reichstag) 3,4,5 p. 211

2403-PS: Dokumente der Deutschen Politik (Documents of German Politics) Vol. 1., pp 55-56 "The End of the Party State".... 9

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2742-PS: N.S. Jahrbuch (N.S. Yearbook) (1937) p. 124. 6

3086-PS: Das Archiv, August 1943, p. 347. . . . . 3, 4, 5, 6

3119-PS: Dr. Frick and sein Ministerium (Frick and his Ministry) (Central Publishing House of the N.S.D.A.P., 1937)
p. 19. 11
19-21. 10
19-22 15
20-21, 61, 62-63. 9
23. 19
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3123-PS: Taschenbuch fuer Verwaltungsbeamte (Pocket Guide for Administrative Officials) (1943) p. 12-25. . . . . 3, 4, 8, 17
12-14. . . . . 4, ~~16~~
13-14. . . . . ~~7~~
16. . . . . ~~13~~

3124-PS: Rudolf Hess: "Reden" (Speeches) (Central Publishing House of the NSDAP in 1940) pp. 216-7. 6

3125-PS: Adolf Hitler: Mein Kampf, Page 403 (~~1st~~ ed. Munich, 1933). 6

3127-PS: N. S. Monatshefte (N.S. Monthly) 1937, p. 346. 3

3128-PS: Unsere Reichsregierung (Our Reich Government) (1936), p. 87. 6

3131-PS: Stuckart and Schiedermair: "Rassen-und Erbpflege in der Gesetzgebung des Deutschen Reichs" (Race and Heredity care in the Legislation of the German Reich) (1943) p. 14. 17

3132-PS: Volz, Hans: "Daten der Geschichte der N.S.D.A.P." (Dates of the History of the NSDAP) (1939) p. 15. . . . 3, 6

3225-PS: Stuckart and Schiedermair: "Das Neue Staatsrecht" (The New Public Law) Vol. II, (1942) p. 86. 24

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3258-PS: "National Socialism" (U.S.Government Printing Office, Washington 1943) p. 44. 9
128-129. 21
446-448. 20

3303-PS: Handbuch fuer das Deutsche Reich (Handbook of the German Reich) (1936) p. 116. . . . . .8, 19

10. Other Evidence

1039-PS: Rosenberg Report on preparations of administration of Russian Territories to be invaded (USA-146). 23

1366-PS: Decree of 29 August 1943 on the position, duties, and authorities of the Reich Protector in Bohemia and Moravia, in: Budget of the Reich Protectorate for 1944: Introduction. 24

1680-PS: "Ten Years Security Police and SD" in: "Die Deutsche Polizer" (Official Polizei Magazine) 1 February 1943, describing the history of the Political Police in the Ministry of the Interior. 12

1816-PS: Minutes of conference on confiscation of Jewish property, 12 November 1938, p. 19. 16

1850-PS: Conferences, 1933, calling for the financing of the military training of the SA from Ministry of Interior funds. 20

2513-PS: Confidential Report on Frick's Speech of 18 October 1929, Police Division, Prussian Ministry of Interior, 1930, by R.M.W. Kempner. 13

2608-PS: Frick's Lecture of 7 March 1940 on "The Administration in Wartime". 21

3058-PS: Heydrich Report on loss of Jewish life and property resulting from pogrom. 16

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3443-PS: Supplement No. 5 to the official Czechoslovak report, containing an official memorandum on the activities of defendant Wilhelm Frick 25

C. List of the Individual Defendants Involved

None

D. List of Criminal Organizations Involved

1. Reich Cabinet. 10

2. SS (including SD). 12, 13, 23, 24

3. Gestapo. 8, 12, 13, 26

4. SA. 20

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APPENDIX A

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FRICK:

The defendant FRICK between 1932-1945 was: a member of the Nazi Party, Reichsleiter, General in the SS, member of the Reichstag, Reich Minister of the Interior, Prussian Minister of the Interior, Reich Director of Elections, General Plenipotentiary for the Administration of the Reich, head of the Central Office for the Reunification of Austria and the German Reich, Director of the Central Office for the Incorporation of Sudetenland, Memel, Danzig, the eastern incorporated territories, Eupen, Malmedy, and Moresnet, Director of the Central Office for the Protectorate of Bohemia, Moravia, the Government General, Lower Styria, Upper Carinthia, Norway, Alsace, Lorraine and all other occupied territories and Reich Protector for Bohemia and Moravia. The defendant FRICK used the foregoing positions, his personal influence, and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he participated in the planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Count One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the crimes against persons and property in occupied territories.

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I. JURISDICTION AND GENERAL PRINCIPLES

Article 6. The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, commited any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(a) CRIMES AGAINST PEACE: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing:

(b) WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

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STATEMENT OF EVIDENCE

I. POSITIONS HELD

(a) Between 1932 and 1945, defendant Frick held the following positions as charged in the Indictment (p. 30):

1. Member of the Nazi Party, 1925-1945.

3127-PS: N.S. Monatshefte (N.S. Monthly) 1937, p. 346.

2. Reichsleiter (Member of the Party Directorate) (in his capacity as Fraktionsfuehrer (Floorleader) of N.S.D.A.P. in the Reichstag)

3. Member of the Reichstag, 7 December 1924-1945.

4. Reich Minister of the Interior, 30 January 1933 - 20 August 1943.

2381-PS: Der Grossdeutsche Reichstag, (The Greater German Reichstag) p. 211 (1943).

3086-PS: Das Archiv, August 1943, p. 347.

5. Prussian Minister of the Interior, 1 May 1934 - 20 August 1943.

3132-PS: Volz, Hans: Daten der Geschichte der N.S.D.A.P. (Dates of the History of the N.S.D.A.P.) (1939) p. 61.

3086-PS: Das Archiv, August 1943, p. 347.

6. Reich Director of Elections, 30 January 1933 - 20 August 1943.

3123-PS: Taschenbuch fuer Verwaltungsbeamte (Pocket Guide for Administrative Officials) (1943) p. 12-25.

3086-PS: Das Archiv, August 1943, p. 347.

7. General Plenipotentiary for the Administration of the Reich 21 May 1935 - 20 August 1943.

2978-PS: Frick's Statement of Offices and Positions, 14 November 1945 (U.S.A.

3086-PS: Das Archiv, August 1943, p. 347.

8. Head of the Central Office for the Reunification of Austria and the German Reich.

2307-PS: Decree of 13 March 1938 (RGBl, 1938, Part I, p. 237), Art. III.

1060-PS: Decree of 16 March ~~1935~~ 1938 (RGBl, 1938 P. I, p. 249) par. 1 (1).

3123-PS: Taschenbuch fuer Verwaltungsbeamte (1943) p. 12-25

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9. Director of the Central Office for the Incorporation of Sudetenland, Memel, Danzig, the eastern incorporated territories, Eupen, Malmedy, and Moresnot.

3073-PS: Decree of 1 October 1938 (RGBl, 1938, P. I, p. 1331) Par. 8: Sudentenland.

3076-PS: Decree of 14 April 1939 (RGBl, 1939, P. I, p. 780), Par. 14, Sudentenland.

3074-PS: Decree of 23 March 1939 (RGBl, 1939, P. I, p. 559): Memel, Par. 6.

3077-PS: Decree of 1 September 1939 (RGBl, 1939, P. I, p. 1547): Danzig, Par. 5.

3078-PS: Decree of 8 October 1939 (RGBl, 1939, P. I, p. 2042): eastern incorporated territories, Par. 12.

3080-PS: Decree of 23 May 1940 (RGBl, 1940, P. I, p. 803): Eupen, Malmedy, and Moresnot, Par. 5 (1).

10. Director of the Central Office for the Protectorate of Bohemia, Moravia, the Government General, Lower Styria, Upper Carinthia, Norway, Alsace, Lorraine and all other occupied territories.

2119-PS: Decree of 16 March 1939 (RGBl, 1939, P. I, p. 485): Bohemia and Moravia; art. 13.

3079-PS: Decree of 12 October 1939 (RGBl, 1939, P. I, p. 2077), Par. 8 (1): Government General.

3082-PS: Decree of 12 December 1941 (RGBl, 1941, P. I, p. 765): Norway.

3123-PS: Taschenbuch fuer Verwaltungsbeamte (1943) p. 12-25.

11. Reich Protector for Bohemia and Moravia, 20 August 1943-1945.

3086-PS: Das Archiv, August 1943, p. 347.

(b) Between 1917 and 1945, Defendant Wilhelm Frick held the additional following positions:

12. Chief of the Criminal (later the Political) Division of the Munich Police Department, 1917-1923.

2381-PS: Der Grossdeutsche Reichstag, p. 211 (1943).

13. Fraktionsfuehrer (Floorleader) of the N.S.D.A.P. in the Reichstag, 1927-1945.

2381-PS: Der Grossdeutsche Reichstag, p. 211 (1943).

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14. Minister of the Interior and of Education of the Free State of Thuringia, 23 January 1930 - 1 April 1931.

2381-PS: Der Grossdeutsche Reichstag, p. 211 (1943).

15. Member of the Reich Defense Council, 21 May 1935 - 20 August 1943.

2978-PS: Frick Statement of Offices and Positions, 14 November 1945 (U.S.A. 8

16. Member of the Ministerial Council for the Defense of the Reich, 30 August 1939 - 20 August 1943.

2018-PS: Decree of 30 August, 1939 (RGBl, 1939, P. I, p. 1539).

17. Reich Minister without Portfolio, 20 August 1943-1945.

3086-PS: Das Archiv, August 1943, p. 347.

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II. PROMOTION OF THE ACCESSION TO POWER OF THE NAZI CONSPIRATORS

(COUNT ONE (IV) A AND D (1))

The conspiratorial activities of the defendant Frick covered a period of 25 years, beginning as early as 1920.

3086-PS: Das Archiv, August 1943, p. 347.

Defendant Frick was admittedly one of the men who helped Hitler to power.

3043-PS: Frick's Affidavit of November 1945, No. 2.

In the very beginning of the Nazi Party and itsconspiracy, defendant Frick misused his various governmental positions in order to hold a "protecting hand over the National-Socialist Party and Hitler".

3119-PS: Frick's speech before the Munich People's Court during the Putsch trial; in:"Dr. Frick und sein Ministerium"(Dr. Wilhelm Frick and his Ministry)(Central Publishing House of the NSDAP, 1937) page 195.

3124-PS: Rudolf Hess: "Reden" (Speeches) (Central Publishing House of the NSDAP, 1940) pages 216-17; Frick secures Hitler's release from jail after the latter's arrest for illegal political activities.

3125-PS: Adolf Hitler: Mein Kampf, page 403 (~~41st~~ 39th Ed. Munich 1933).

Frick participated in the Nazi Beer Hall Putsch of 8 - 9 November 1923, and was tried with Hitler on a charge of complicity in treason; he was convicted and received a suspended sentence of one year and three months in a fortress.

3132-PS: Volz, Hans: "Daten Der Geschichte Der NSDAP" (Dates of the History of the NSDAP) (1939) page 15.

Having been elected to the Reichstag on 4 May 1924, he stated that it was his task not to "support, but to undermine the parlamentary system".

2742-PS: N.S. Jahrbuch (N.S. Yearbook) 1937, page 124.

In the Reichstag he immediately proposed those discriminatory measures against the Jews which were enacted after he and the other Nazi conspirators had come into power in 1933.

3119-PS: Frick's motion of 27 ~~August~~ May 1924 for "Special Legislation for all members of the Jewish Race"; in: "Frick and his Ministry", p. 182.

3128-PS: Frick's demand of 25 August 1924 for the removal of all Jews from public office; in: "Our Reich Government" (1936) p. 87.

See : Part IV of this Brief, infra.

Defendant Frick became the first Nazi Minister in Germany, as Minister of the Interior and Education of Thuringia, from 23 January 1930 to 1 April 1931.

3119-PS: "Frick and his Ministry", page 196.

Here again defendant Frick misused his official authority in order to advance the Nazi conspiracy through measures designed to establish Nazi control over the police, and over the administration and curriculum of universities and schools. Four of his measures are specially noteworthy:

(a) appointment of the Nazi race theoretician, Dr. Guenther, as Professor at the University of Jena, against the wishes of the faculty;

(b) compulsory introduction in the schools of Nazi prayers whose nationalistic, militaristic, and blasphemous character was such that three out of five were declared unconstitutional by the German Constitutional Court on 11 July 1930;

(c) infiltration of Nazis in the Police which twice provoked a rupture in the administrative relations between the State of Thuringia and the Reich Ministry of the Interior, and resulted in the withdrawal of the important police subsidy payment of the Reich to the State;

3132-PS: Volz, Hans, op. cit. p. 28.

3128-PS: Hitler's letter to Frick praising his contribution in Thuringia; in: "Our Reich Government" (1936) p. 90.

(d) during his tenure in Thuringia, defendant Frick went even further in the misuse of his official powers on behalf of the Conspiracy. He attempted to secure to Adolf Hitler German citizenship rights by means of a fraudulent naturalization procedure. Having authority as State Minister of the Interior to appoint civil servants, defendant Frick prepared to give such an appointment to the then stateless Adolf Hitler, it being understood that Hitler would not be expected to perform the functions of the office to which he was to be appointed. Under the German Citizenship Law of 1913, which was then in force, such an appointment would have automatically conferred German citizenship on Hitler. Only the premature discovery of this intended fraud prevented defendant Frick from succeeding in his maneuvers.

3399-PS: Affidavit of Robert M.W. Kempner, dated 11 December 1945.

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III. ESTABLISHMENT OF TOTALITARIAN CONTROL OVER GERMANY

(COUNT ONE, IV (D) 2 AND 3 (a), (b), (c), (1) and (2))

Frick's appointment as Reichsminister of the Interior in the first Hitler Cabinet of 30 January 1933 gave him the task of "strengthening the power of the government and to secure the New Regime".

3128-PS: Our Reich Government (1936), page 92.

To this task his Ministry was perfectly suited. As Minister of the Interior defendant Frick became responsible for the realization of a large part of the Conspirators' program, through both legislation and administration. His Ministry was charged especially with the following tasks:

(a) Internal Administration (State and Local governments; State and Local Civil Service);

(b) Relations between Nazi Party and State;

(c) Elections;

(d) Citizenship;

(e) Racial Law and Policy (Jewish Question, Eugenics), National Health;

(f) Armed Forces and Reich Defense (Conscription);

(g) Establishment of the New Order in Occupied and Annexed Territories;

(h) Legislation, Constitutional Law (Civil Liberties);

(i) Police Forces (including Gestapo, Protective Custody, Concentration Camps).

3303-PS: Handbuch Fuer das Deutsche Reich (Handbook of the German Reich) (1936) page 116.

3123-PS: Taschenbuch fuer Verwaltungsbeamte (1943), pages 12-25.

In the full use of these broad powers, defendant Frick made his essential contribution to the advancement of the Conspiracy.

His first act after the Conspirators' accession to power was to install Nazi governments and administrations in all German States where they were not already in power. Those State Governments which refused to hand over their constitutional authority to the Nazi successors designated by Frick were removed on Frick's order. This was the case in Bavaria, Hamburg, Bremen, Luebeck, Hessen, Baden, Wuerttemberg, Saxony.

3119-PS: "Frick and his Ministry", page 199.

3132-PS: Volz, Hans, op. cit., p. 50-51.

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Defendant Frick then proceeded to destroy all opposition parties in order to establish the political monopoly of the Nazi Party over Germany. Here again the defendant acted by legislative fiat against all parties which did not dissolve voluntarily.

2403-PS: "Dokumente Der Deutschen Politik" (Documents of German Politics) Vol. I, p. 55-56: "C. The End of the Party State".

1396-PS: Law of 26 May 1933 (RGBl, 1933, P. I, p. 293) on the confiscation of Communist property.

1388-PS: Law of 14 July 1933 (RGBl 1933, Part I, p. 479) on the confiscation of property inimical to Nation and State.

2058-PS: Frick Decree of 7 July 1933 (RGBl, 1933, P. I, p. 462) voiding mandates of all Social-Democratic candidates elected to Reich, State, and local diets.

1388A-PS: Law of 14 July 1933 (RGBl, 1933, Part I, p. 479) outlawing all other political parties.

See : Brief on "The Acquiring of Totalitarian Control Over Germany: Political, First Steps: Control Acquired", pp. B 17-18.

Defendant Frick drafted and administered the laws which assured the control of the Nazi Party over the State and "placed the government machinery... ..at the disposal of the Party."

1395-PS: Law to Secure the Unity of Party and State of 1 December 1933 (RGBl, 1933, P. I, p. 1016), providing that all government agencies should "lend legal and administrative aid to the Party agencies."

2003-PS: Law of 1 August 1934 (RGBl, 1934, P. I, p. 747) consolidating the positions of Chief of State and Leader of the Party.

3119-PS: "Frick and his Ministry", p.20-21, 61, 62-63.

The success of this series of measures was accurately described by defendant Frick himself in the following terms:

> "In National Socialist Germany, leadership is in the hands of an organized community, the National Socialist Party; and as the latter represents the will of the nation, the policy adopted by it in harmony with the vital interests of the nation is, at the same time, the policy adopted by the country....."

3258-PS: "National Socialism" (U. S. Government Printing Office, Washington 1943).

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Defendant Frick's next task was to consolidate the executive and legislative control thus achieved. First he drafted the law of 24 March 1933 which gave the Reich Cabinet the power to legislate by decree. This law marked the end of parliamentary government in Germany.

2001-PS: Law to Relieve the Emergency Affecting Nation and Reich of 24 March 1933 (RGBl, 1933, P. I, p. 141).

As a further step in the same direction, defendant Frick prepared a series of laws which destroyed all autonomous State and local government. Through these laws, all governmental power in Germany was consolidated in the Reich Cabinet. Administration of these laws was placed in the hands of the defendant.

2002-PS: Temporary Law for the Coordination of the States with the Reich of 31 March 1933 (RGBl, 1933, P. I, p. 153).

2005-PS: Law for the Coordination of the States with the Reich of 7 April 1933 (RGBl, 1933, P. I, p. 173).

3068-PS: Law of 30 January 1934 (RGBl, 1934, P. I, p. 75), transferring the sovereignty of the States to the Reich.

3069-PS: First Ordnance under the law of 30 January 1934 subjecting State legislation to Reich approval, 2 February 1934 (RGBl, 1934, P. I, p. 81).

2007-PS: Second Reich Governor Law of 30 January 1935 (RGBl, 1935, P. I, p. 65).

2008-PS: German Municipality Act of 30 January 1935 (RGBl, 1935, P. I, p. 49).

3070-PS: Law of 14 February 1934 (RGBl, 1934, P. I, p. 89) abolishing the Reichsrat.

3119-PS: "Frick and his Ministry", p.19921.

2380-PS: N.S. Yearbook (1935) p. 212-214.

Defendant Frick drafted the laws which abolished the independence of the civil service, including functionaries of the Reich and the States, judges, and university teachers. As Reichsminister of the Interior, he was charged with the administration of these laws.

1397-PS: Civil Service Act of 7 April 1933 RGBl, 1933, P. I, p. 175) providing in Pars. 3 and 4 for the elimination of civil servants on the basis of religious or political beliefs.

1398-PS: Supplementary Civil Service Act of 20 July 1933 (RGBl, 1933, P. I, p. 518).

3119-PS: "Frick and his Ministry", p. 19.

This complete subjection of the civil servants to the Nazi-administered Ministry of Interior was well illustrated by an order of defendant Frick demanding a report on civil servants who had failed to vote in the Reichstag elections of 29 March 1936.

D-43: Official Circular dated 26 May 1936, referring to Frick's Order.

Having thus taken possession of the entire government machinery, defendant Frick organized a huge police system in order to maintain the conspirators' power against all opposition. Defendant Frick placed Himmler in charge of the entire police forces under his own jurisdiction, as Minister of the Interior.

2073-PS: Decree of 17 June 1936 (RGBl, 1936, P. I, p. 487) creating a German Police and making Himmler its Chief under Frick.

2108-PS: Decree of 12 February 1936 (Preussische Gesetzsammlung) Prussian Law Collection, 1936. No. 14309, signed by Frick establishing Gestapo jurisdiction especially over concentration camps and political police information.

2245-PS: Frick Decree of 20 September 1936 (Ministerialblatt des Reichs und Preussischen Ministeriums des Innern) Ministry of Interior Gazette, 1936, pp. 1343-1344, reserving to himself authority to appoint inspectors of Security Police and ordering their close cooperation with Party and Army.

1437-PS: Frick Ordnance under Law on Reunion of Austria with Reich, dated 18 March 1938 (RGBl, 1938, P. I, p. 262) authorizing Himmler to take security measures without regards to previous legal limitations on his authority.

1638-PS: Ministry of Interior Decree, date 11 November 1938 (Reichs Ministerialblatt) Ministry of Interior Gazette, 1938, p. 1906, providing for cooperation of all authoritie with SD and RSHA.

1551-PS: Order of Himmler, dated 26 June 1936, (Reichs Ministerialblatt) Ministry of Interior Gazette, 1936, pp. 946-948, authorizing Security Police Chief Heydrich and Regular Police Chief Daluege to sign "by order of the Minister of the Interior".

1852-PS: Dr. Werner Best: "Die Deutsche Polizei" (The German Police) (1941), chart facing page 110, showing that the RSHA is under the jurisdiction of the Minister of Interior.

1680-PS: "Ten Years Security Police and SD" in "Die Deutsche Polizei" (official police magazine) 1 February 1943; describing the history of the Political Police in the Ministry of the Interior.

As a result, the Police and part of the SS became in fact merged under Frick's jurisdiction.

647-PS: Hitler Order, dated 17 August 1938 regulating the functions of the SS which "have entered into close connection with the duties of the German Police" in the Ministry of Interior.

1637-PS: Himmler's Order of 23 June 1938, providing that police officers may be employed by theSS while retaining their police function.

Before the decree of 17 June 1936 all police forces, the regular police as well as the Gestapo, were in the hands of the states. Even then defendant Frick hadcomplete control over them through the Reich Governor Act which subjected the State governments to the authority of the Reich government,,in the person of the Reich Minister of the Interior.

2005-PS: Law of 7 April 1933 (RGBl, 1933, P. I, p. 173).

L-82: Decrees of 26 April 1933, 30 November 1933, 10 February 1936, on the organization of the Gestapo.

On the basis of this authority Frick gave orders to the various State Gestapo offices.

1498-PS: Order of Frick, dated 6 November 1934, addressed inter alios Prussian Gestapo, prohibiting the publication of Protestant Church announcements.

1482-PS: Secret circular from Frick, addressed inter alios to Prussian Gestapo, subjecting Catholic Youth Organizations to severe restrictions.

Defendant Frick was specifically responsible for the administration of protective custody in the concentration camps.

779-PS: Directive by Frick regulating "Protective Custody", dated 12 April 1934.

1723-PS: Frick's Decree of 25 January 1938 regulating Protective Custody in: Verfuegungen, Anordnungen, Bekanntmachungen (Central Publishing House of the NSDAP, Munich, 1937) Vol. II, p. 430-439.

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In fact, he had repeatedly announced even in the years before 1933 that he was ready to establish the power of the conspirators with terror and violence.

2513-PS: Confidential Report on Frick's speech of 18 October 1929, Police Division, Prussian Ministry of Interior, 1930, by R.M.W. Kempner.

As early as 1932, defendant Frick threatened his opponents in the Reichstag with these words:

"Don't worry, when we are in power we shall put all of you guys in concentration camps."

L-83 : Affidavit of Gerhart H. Seger, 21 July 1945, item 8 (e).

Thus defendant Frick, as Minister of Interior, bears full jurisdictional responsibility for the criminal acts perpetrated by the police, especially the RSHA, the SD and the Gestapo.

3119-PS: "Frick and his Ministry", p. 173.

For details of the criminal acts of these organizations:

See : Brief on "Die Schutzstaffeln der N.S.D.A.P."

See : Brief on "The Gestapo and the SD".

Defendant Frick relied on this vast police organization in the administration of a series of laws he had drafted for the suppression of all internal opposition.

1963-PS: Law of 4 February 1933 (RGBl, 1933, P. I, p. 35) limiting the freedom of assembly and of the Press.

1390-PS: Law of 28 February 1933 (RGBl, 1933, P. I, p. 83) limiting the freedom of speech and abolishing the inviolability of the person.

L-302: Dr. Werner Spohr: "The Law of Protective Custody" (Berlin,1937) p. 11-13, discussing Frick's Ordinance of 12 April 1934, issued under Law of 28 February 1933 (RGBl, 1933, P. I, p. 832).

1388-PS: Law on the Confiscation of Property Inimical to Nation and State of 14 July 1933 (RGBl, 1933, P. I p. 479).

Defendant Frick also signed two laws designed specifically to suppress all criticism and opposition to the Government and the Nazi Party.

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1652-PS: Law Against Treacherous Attacks on the Government of the National Revolution, 21 March 1933 (RGBl, 1933, P. I, p. 135).

1393-PS: Law Against Treacherous Attacks on State and Party, 20 December 1934 (RGBl, 1934, P. I, p. 1269).

Defendant Frick also signed the laws which brought about the suppression of independent labor unions, as a potential source of opposition inside Germany to the progress of the Nazi conspiracy.

405-PS: Law on the Trustees of Labor, 19 May 1933 (RGBl, 1933, P. I, p. 285).

1861-PS: Law on the Regulation of National Labor, 20 January 1934 (RGBl, 1934, P. I, p. 45).

1770-PS: Law on Factory Representatives, 4 April 1933 (RGBl, 1933, P. I, p. 161).

1403-PS: Law of 9 December 1937 (RGBl, 1937, P. I, p. 1333) providing for the confiscation of all labor union property in favor of the German Labor Front.

For the same reason defendant Frick and his subordinates took an active part in the persecution of the independent churches.

1498-PS: Order of Reich Minister of Interior, dated 6 November 1934 prohibiting the publication of Protestant Church announcements.

1482-PS: Circular letter from Frick to Reich officials imposing severe restrictions on Catholic Youth organizations.

R-101: Correspondence of SD, dating from 1940 to 1942, re: Confiscation of Church Property.

680-PS: Letter by Frick to heads of Agencies, dated 5 May 1938, proposing methods for invalidating the Concordat between Austria and the Holy See.

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IV. PROMOTION OF RACIAL PERSECUTION AND RACISM

(COUNT ONE IV (D) 3 (d))

(1) Persecution of the Jews.

Defendant Frick took charge of the legislative and administrative program through which the Nazi Conspirators sought to wipe out the "non-Aryan" part of the German population. Here again he drafted, signed, and administered the basic legislation.

1416-PS: Reich Citizen Law of 15 September 1935 (RGBl, 1935, P. I, p. 1146) depriving Jews of their citizenship rights.

2000-PS: Law for the protection of German Blood and Honor of 15 September 1935 (RGBl, 1935, P. I, p. 1146) prohibiting mixed marriages.

1417-PS: First Ordnance under Reich Citizen Law, 14 November 1935 (RGBl, 1935, P. I, p. 1333) depriving Jews of the right to vote.

3181-PS: Ordnance under the Law for the Protection of German Blood and Honor of 14 November 1935 (RGBl, 1935, P. I, p. 1334)

1397-PS: Civil Service Act of 7 April 1933 (RGBl, 1933, P. I, p. 175) Par. 3, providing for the elimination of "non-Aryan" government workers.

2679-PS: Decree of 20 May 1938 (RGBl, 1938, P. I, p. 594) introducing Nurnberg Laws in Austria.

3354-PS: Decree of 31 May 1941 (RGBl, 1941, P. I, p. 297, introducing Nurnberg Laws in Annexed Eastern Territories.

3119-PS: "Frick and his Ministry", p. 19, 22.

Extending his program of persecution even to the religious practices of the Jews, defendant Frick signed the decree which outlawed ritual slaughtering.

2703-PS: Decree of 21 April 1933 (RGBl, 1933, P. I, p. 203) outlawing ritual slaughtering.

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The anti-Jewish pogroms of 9 November 1938 were organized in the defendant's Ministry of the Interior.

374-PS: Series of secret teletype orders by Heydrich.

3051-PS: Series of Heydrich Orders re organization of pogrom.

3058-PS: Heydrich report on loss of Jewish life and property resulting from pogrom.

The pogroms gave the Nazi conspirators occasion to proceed to the complete elimination of the Jews from economic life and the confiscation of most of their property.

1662-PS: Decree of 12 November 1938 (RGBl, 1938, P. I, p. 1580).

1409-PS: Decree of 3 December 1938 (RGBl, 1938, P. I, p. 1709).

Defendant Frick had expressly demanded and had been assured full participation in the administration of these laws during the deliberations preceding their issuance.

1816-PS: Minutes of conference on confiscation of Jewish property, 12 November 1938, p. 19.

Defendant Frick signed the Law of 23 July 1938 ordering a special registration for all Jews, in order to establish the strictest possible control over the Jewish population.

2669-PS: Decree of 23 July 1938 (RGBl, 1938, P. I, p. 922), ordering special registration of Jews.

After the outbreak of the war Heydrich issued an order in defendant's name, compelling all Jews to wear a yellow star in public.

2118-PS: Decree of the Minister of Interior, 1 September 1941 (RGBl, 1941, P. I, p. 547).

Among the Ordnances which Frick issued under the Reich Citizen Law of 15 September 1935, special mention should be made of the 11th Ordnance of 25 November 1941 which ordered the confiscation of the property of all deported or emigrated Jews and the 13th Ordnance under which the Jews were deprived of all legal protection and completely handed over to the jurisdiction of the police.

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3241-PS: Ordnance of 25 November 1941 (RGBl, 1941, P. I, p. 722).

1422-PS: Ordnance of 1 July 1943 (RGBl, 1943, P. I, p. 372).

3085-PS: Himmler Ordnance of 3 July 1943 charging Gestapo with execution of Thirteenth Ordnance under Reich Citizen Law (Ministry of Interior Gazette, 1943, p. 1085)

The Under-Secretary in the Ministry of Interior characterized this legislation as the essential preparation for the "final solution of the Jewish question".

3131-PS: Stuckart and Schiedermair: Rassen und Erbpflege in der Gesetzgebung des Deutschen Reiches (Race and Heredity Care in the Legislation of the German Reich) (1943), p. 14.

(2) Measures Against "Inferior Racial Stock".

The Public Health Service was administered as a division of defendant Frick's Ministry. One of its sub-divisions was devoted to race and heredity problems.

3123-PS: Taschenbuch fuer Verwaltungsbeamte (1943), p. 12-25.

In his capacity as chief of this service defendant Frick drafted the basic law controlling sterilization of persons afflicted with "hereditary diseases".

3067-PS: Law of 14 July 1933 (RGBl, 1933, P. I, p. 529).

Its administration was in the hands of his Ministry.

D-181: Circular referring to Frick Ordnance of 22 August 1936 regulating application of law of 14 July 1933 to Party members.

L-305: Correspondence re: Compulsory sterilization on orders of Ministry of Interior of all descendants of colored occupation troops.

Going still further, defendant Frick as the Minister of Interior was in charge of the systematic killing of insane, sick and aged persons who were considered of no further use to the State.

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1696-PS: Correspondence with Ministry of Interior showing unexplained deaths of insane persons.

1969-PS: Correspondence with Interior Ministry. Re: Killing of Insane Persons.

1556-PS: Report dated December 1941, naming Defendant Frick as one of the originators of secret law authorizing the killing of sick and aged persons.

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V. PREPARATION FOR WAR

(COUNT ONE, IV (D) 3 (e) (f), (F) 1. and 2., COUNT TWO)

Defendant Frick wholeheartedly supported the Conspirators' preparations for war. It was his position that "Germany would observe her international undertakings only so long as it suited Germany's interests to do so".

2385-PS: Affidavit of George S. Messersmith, 30 August 1945, p. 4 (U.S.A. 68).

Defendant Frick as Reich Minister of the Interior was "the 'civilian' Defense Minister and as such cooperated prominently. . . in the important field of 'defense legislation' and thereby in the development of. . . /Germany's/ armed forces".

3119-PS: "Frick and his Ministry", p. 23.

Frick's Ministry had a division entitled "Armed Forces and Reich Defense".

3303-PS: Handbook of the German Reich (1936) p. 116.

The defendant Frick took a leading part in Germany's re-armament in violation of the Versailles Treaty. He drafted the basic laws on military service.

1654-PS: Law of 16 March 1935 (RGBl, 1935, P. I, p. 369), reintroducing universal military conscription.

3043-PS: Frick's Affidavit of November 1945, No. 1.

1389-PS: Law of 26 June 1935 (RGBl, 1935, P. I, p. 769), setting up a compulsory Labor Service to be administered by the Ministry of Interior.

See 388-PS: Hitler Order of 10 September 1938, placing Labor Service under OKW ("Fall Gruen" item 20, p. 44) (U.S.A. 26).

1667-PS: Decree of 6 March 1936 (RGBl, 1936, P. I, p. 132) extending Military and Labor service to German citizens abroad.

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~~1666~~-PS: Decree of 16 June 1938, extending Military Service Law to Austria (RGBl, 1938, P. I, p. 634).

3384-PS: Decree of 30 April 1940 (RGBl, 1940, P. I, p. 707) extending Military Service Law to Incorporated Eastern Territories.

Defendant Frick also supported the military training program of the SA.

1850-PS: Conferences, 1933, calling for the financing of the Military Training of the SA from Ministry of Interior funds.

D-44: Circular dated 25 July 1933 referring to an order of Frick prohibiting public mention of SA activities likely to be construed as violations of Versailles Treaty.

In further preparation for the aggressive wars planned by the conspirators, defendant Frick used his power, prestige, and funds as Minister of the Interior in order to command support for the organization of a Fifth Column abroad among foreign nationals of German ancestry. In a circular of 24 February 1933 issued less than a month after the Conspirators had taken over the government of Germany, the defendant ordered all State Governments to support, especially financially, the organization work of the League for Germandom Abroad among the "30 million Germans in foreign countries (Auslandsdeutschen) outside of the present contracted borders of the Reich /who/ are an integral part of the entire German people".

3258-PS: "National-Socialism", (U.S. Government Printing Office, Washington, 1943) p. 446-448 (original German text: p. 444-445).

Defendant Frick, at a later date, stated even more clearly the true purpose of this German Fifth Column he was helping to organize abroad among foreign nationals of German ancestry. In his speech at the twentieth annual meeting of the official German Foreign Institute held in Stuttgart, on 11-15 August 1937, defendant Frick stated that

> "the new Germany has recognized that its attention and devotion to the welfare of the millions of Germans who have not the fortune to owe political allegiance to Germany, but who are condemned to live abroad, are not merely a matter of natural sympathy and solidarity, but are in a higher degree dictated by the strong political and economic interests of the Reich" (emphasis supplied).

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3258-PS: "National-Socialism" (U.S. Government Printing Office, Washington, 1943) p. 128-129.

Defendant Frick's principal contribution to the war preparations of the Nazi conspirators lay in his role as General Plenipotentiary for the Administration of the Reich. He occupied this position as a member of the Reich Defense Council, since 21 May 1935.

2978-PS: Frick, Statement of Offices and Positions, 14 November 1945 (U.S.A. 8).

In this capacity, the defendant had complete authority over "the uniform direction of the non-military administration with the exception of the economic administrations". He was given control over the Ministries of Interior, Justice, Education, Churches, and the Office for Spatial Planning, in order to direct their entire planning activities in preparation of war.

2986-PS: Frick's Affidavit of 19 November 1945.

2194-PS: Reich Defense Act of 4 September 1938 (not published) Par. 3 (U.S.A. 36).

This was defendant Frick's responsibility during the more than four years that elapsed before the actual launching of the conspirators' first aggressive war.

As General Plenipotentiary for the Administration, defendant Frick was a member of the so-called Three-Man Committee, with defendants Schacht, and later Funk (Economy), and defendant Keitel (OKW). This small group which was empowered to legislate by decree on all matters relating to war preparedness, represented during these decisive years, from 1935 to 1939, the real fountain-head of the conspirators' preparations for war.

2608-PS: Frick's lecture of 7 March 1940 on "The Administration in Wartime".

2986-PS: Frick's Affidavit of 19 November 1945.

See: Brief on "The Reich Cabinet"

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VI. AGGRESSIVE WAR AND WAR CRIMES.

(COUNT THREE)

Defendant Frick, as Minister of the Interior, was charged with the administrative policy for all occupied and annexed territories. For this purpose, the Ministry contained a Division for Incorporated Territories, with Sub-Divisions entitled Reorganization in the South-East, the Protectorate, the East, and the West.

3123-PS: Taschenbuch fuer Verwaltungs-beamte (1943) p. 12-25.

When the Nazi Conspirators embarked on their program of "bloodless" territorial aggrandizement, defendant Frick was in control of the incorporation and administration of these territories.

3066-PS: Decree of 30 January 1935 (RGBl, 1935, P. I, p. 66): Saar.

2307-PS: Decree of 13 March 1938 (RGBl, 1938, P. I, p. 237): Austria.

3072-PS: Decree of 23 April 1938 (RGBl, 1938, P. I, p. 407): Austria.

3075-PS: Decree of 14 April 1939 (RGBl, 1939, P. I, p. 777): Austria.

3073-PS: Decree of 1 October 1938 (RGBl, 1938, P. I, p. 1331): Sudetenland.

3076-PS: Decree of 14 April 1939 (RGBl, 1939, P. I, p. 780): Sudetenland.

2119-PS: Decree of 16 March 1939 (RGBl, 1939, P. I, p. 485) Art. 13: Bohemia and Moravia.

3074-PS: Decree of 23 March 1939 (RGBl, 1939, P. I, p. 559) par. 6: Memel.

3077-PS: Decree of 1 September 1939 (RGBl, 1939, P. I, p. 1547) par. 5: Danzig.

When the conspirators started their aggressive wars, defendant Frick was specifically charged with the organization and integration of Allied Territories illegally annexed by Germany.

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3078-PS: Decree on the Incorporated Eastern Territories, 8 October 1939 (RGBl, 1939, P. I, p. 2042) Par. 12.

3079-PS: Decree of 12 October 1939 (RGBl, 1939, P. I, p. 2077) Par. 8 (1): Government General.

3080-PS: Decree on the Reunion of Eupen, Malmedy, and Moresnet with the Reich, 23 May 1940 (RGBl, 1940, P. I, p. 803), Par. 5, (1).

3082-PS: Decree of 12 December 1941 (RGBl, 1941, P. I, p. 765): Norway.

In the exercise of this over-all administrative control:

(a) defendant Frick provided in detail for the administration of occupied Polish Territory. It was Frick who was responsible for the installation of an SS Chief in the Territory in charge of the Police and the forced resettlement program.

3304-PS: Frick's Order of 2 November 1939 (RGBl, 1939, P. I, p. 2133) Par. 2 (1).

(b) defendant Frick provided the administrative personnel for the government of these occupied territories. Thus, he arranged for the selection and assignment of hundreds of occupation officials for Russia before the invasion had even begun.

1039-PS: Rosenberg Report on preparations of administration of Russian territories to be invaded (U.S.A. 146).

(c) defendant Frick had complete charge of the program of denationalization under which certain groups of citizens in annexed territories were forced during the progress of the war to abandon their original national allegiance and to accept German nationality.

2917-PS: Decree of 4 March 1941 (RGBl, 1941, P. I, p. 118) establishing German Racial Register under which Allied Nationals of German stock were to accept German nationality and to remove to German territory.

3321-PS: Decree of 20 April 1939 (RGBl, 1939, P. I, p. 815): Bohemia and Moravia.

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3081-PS: Decree of 14 October 1941 (RGBl, 1941, P. I, p. 648): Upper Carinthia and Lower Styria.

3080-PS: Decree of 23 May 1940 (RGBl, 1940, P. I, p. 803): Eupen, Malmedy, and Moresnot.

3083-PS: Decree of 20 January 1942 (RGBl, 1942, P. I, p. 40): Incorporated Eastern Territories.

3225-PS: Stuckart and Schiedermair: "Das Neue Staatsrecht" ("The New Public Law,") Vol. II (1942) p. 86.

(d) On 20 August 1943 defendant Frick was appointed Reich Protector in Bohemia and Moravia.

3086-PS: Das Archiv, August 1943, p. 347.

His authority was clearly defined in a Secret Decree issued on 29 August 1943. That Decree provided that the Reich Protector was "the representative of the Fuehrer in his capacity as Chief of State." In addition to this over-all authority defendant Frick was given jurisdiction "to confirm the members of the government of the Protectorate, to appoint, dismiss and retire the German civil servants in the Protectorate." He was given full power "to grant pardons and to quash proceedings in all cases except in cases before the Military and SS Police Courts."

1366-PS: Secret Decree of 29 August 1943, on the position, duties and authorities of the Reich Protector in Bohemia and Moravia, in: Budget of the Reich Protectorate for 1944; Introduction.

These broad powers establish the clear responsibility of defendant Frick for the crimes committed in the Protectorate under his administration during the last 20 months of the War. As representative of the Fuehrer in the Protectorate, he covered these criminal acts with Hitler's name and absolute power.

Above all, defendant Frick is fully responsible for the multiple miscarriages of justice by which the population of the Protectorate was systematically persecuted and oppressed. His failure to correct

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these miscarriages of justice through the exercise of his right to grant pardons and to quash legal proceedings is tantamount to a confirmation of the cruel and illegal sentences imposed upon the inhabitants of the Protectorate.

The defendant's specific responsibility on these counts must be added to the over-all responsibility which he bears because of the mere fact that he was Reich Protector, while such crimes were committed against the population of Bohemia and Moravia.

3443-PS: Supplement No. 5 to the official Czechoslovak report containing an official memorandum on the activities of defendant Wilhelm Frick.

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VII. CRIMES AGAINST HUMANITY

(COUNT FOUR)

Defendant Frick, as jurisdictional head of the German Police Administration, is responsible for the crimes and atrocities perpetrated by the German police, especially the Gestapo and SD inside and outside of Germany.

See: Part III of this Brief, supra.

See: Brief on "Crimes Committed in Concentration Camps".

1643-PS: Documents showing Frick's participation in the confiscation of land for the establishment of the Auschwitz Extermination Camp.

In fact, defendant Frick demonstrated particular interest in the "medical" experiments carried on in the concentration camps under the personal direction of Himmler. Thus in 1943 he paid a personal visit to Germany's oldest concentration camp, Dachau, for the purpose of inspecting the malaria station and Dr. Rascher's Experimental Station. There he could personally acquaint himself with the forced inoculation of healthy camp inmates by malaria mosquitos and the air-pressure and freezing experiments on human beings carried on by Dr. Rascher.

3249-PS: Affidavit of Dr. Frank Blaha, 24 November 1945, items 4, 5, and 15.

As administrative head of the occupied territories, defendant Frick issued decrees depriving their inhabitants of their rights and subjecting them to a cruel and discriminatory regime.

2864-PS: Decree of 4 December 1941 (RGBl, 1941, P. I, p. 759), establishing a special penal law for the Polish and Jewish inhabitants of the Government General.

R-96: Documents showing the history of the Decree of 4 December 1941.

1249-PS: Ordnance of 1 June 1942 issued under the Decree of 4 December 1941.

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1422-PS: Decree of 1 July 1943 (RGBl, 1943, P. I, p. 372), taking the Jews out of the Decree of 4 December 1941 and depriving them of their remaining rights.

3085-PS: Himmler Ordnance of 3 July 1943, under Decree of 1 July 1943, charging Gestapo with execution of that Decree (published in Frick's Ministry of Interior Gazette 1943, p. 1085).

Similarly, the Decree on the Utilization of Eastern Workers, which required that they be paid salaries substantially below those fixed for German workers holding similar jobs, was signed in Frick's name by his Secretary of State.

3084-PS: Decree of 30 June 1942 (RGBl, 1942, P. I, p. 419).

Having taken such an important part in the execution of the conspirators' program of atrocities, defendant Frick had to admit that he could properly be charged with having continued in the Cabinet, after he had realized the direction the conspiracy was taking.

3043-PS: Frick's Affidavit of November 1945, No. 2.

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ARGUMENT AND CONCLUSION

Frick who joined the Nazi Conspiracy at its early beginning played within the Conspiracy the role of an expert administrator and coordinator of State and Party affairs. Misusing his governmental positions in the pre-Hitler era, he gave aid and protection to the conspirators when they were still weak. He supported them in their first attempt to come into power by force, expecting to gain high office from their success. He was the first to carry their revolutionary program from the Beer Hall to the Reichstag Rostrum. As their earliest important office-holder (in Thuringia), he developed for the first time their totalitarian and terroristic methods of political and intellectual control.

Upon the accession to power of the Nazi conspirators on 30 January 1933, Frick took over the vital Ministry of Interior. From this position he directed the realization of the entire domestic program of the conspiracy. He took complete charge of the successive destruction of the parliamentary system, of autonomous State and local government, and of the career civil service. He planned and executed the measures which subjected the government itself to the domination of the Nazi Party. He then proceeded to establish a huge Reich Police Force under Himmler which became the instrument with which the Nazi conspirators terrorized and ultimately "liquidated" all opposition inside and outside Germany in concentration and extermination camps.

In order to give the semblance of law to the criminal acts of the conspirators, defendant Frick drafted legislation to withdraw constitutional protection from the rights and liberties which they had determined to wipe out. He participated in the relentless and violent persecution of all persons and groups who were considered as actual or potential opponents of the conspirators' plans. Among these were the churches, the free trade unions, and especially the Jews.

Having secured absolute control over Germany for the conspirators, Defendant Frick proceeded to bring the German people and State into readiness for the Wars of Aggression, planned by the conspirators. He established the system of military and labor service on which the

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Wehrmacht was to rest. He took over the planning of Germany's civilian wartime administration, which was to back it up.

As the Nazi conspirators began to achieve their predatory aims, Defendant Frick was active in the coordination of the administration of the territories and peoples which fell into Nazi hands. He presided over the annexation of territories and the denationalization of their inhabitants in violation of the Hague Conventions. When the conspirators were ready to proceed to the realization of their ultimate goals, especially the complete enslavement and annihilation of conquered populations, defendant Frick devised the basic legislation for their disfranchisement and finally took personal charge of one of the oppressed nations, Czechoslovakia.

Thus, the defendant was one of the principal artisans of the conspiracy in all its thoroughness and viciousness. His contribution to its progress was essential in all of its phases, decisive in many. He nurtured the conspiracy, directed its followers, terrorized its opponents, and destroyed its victims. On this record rests his guilt.

Filed Jan. 16, 1946
HBW

INTERNATIONAL MILITARY TRIBUNAL

H-1240

TRIAL BRIEF

AGAINST

THE DEFENDANT

WILHELM FRICK

U. S. CHIEF OF COUNSEL

H1240-0051

ROBERT H. JACKSON

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